

BURTON CREEK (TAHOE) SHERIFF'S SUBSTATION, COURT FACILITIES AND JAIL INSPECTION

Final Report I and Responses

California Penal Code Section 919 requires the Grand Jury to inspect Placer County Main and Minimum Security Jails to evaluate conditions and management of these facilities, to inquire about prisoners not indicted and to review any changes implemented since the previous Grand Jury's inspection.

Background

Members of the 2001-2002 Placer County Grand Jury visited Placer County's Burton Creek facility east of Tahoe City September 27, 2001, and October 29, 2001, and were appalled at continuing safety and liability issues that jeopardize human life and the financial stability of the county. This 2-story wood-frame building, constructed in 1959, houses a sheriff's substation, jail, court facilities, court clerk's office and deputy district attorney's office, with more than 50 employees.

While commendation is due for some changes, such as a fire alarm system and overnight housing of prisoners in Nevada County's jail facility nearby, the Grand Jury noted continuing serious safety concerns. Many of the following problems have been cited in Grand Jury reports for more than 10 years:

- The existing building layout requires prisoners to be escorted from the jail to the courtroom via a public entrance, a potential danger to employees, witnesses, victims, members of the general public, and the prisoners themselves.
- The building is constructed of wood, yet lacks a fire suppression system in high-risk areas, a potential hazard to workers, prisoners, and visitors.
- The building lacks an external fire escape from the second floor, a serious fire safety hazard for all who work or visit there.
- The building lacks a fire-resistant door at the second floor stairwell adjacent to the dispatch center. Any fire might, therefore, spread rapidly between floors with the stairwell serving as an oxygen-rich conduit.
- The North Tahoe Fire Department does not have key or other access to the building when it is unoccupied. Should an internal fire originate during such times, the Fire Department would need to breach alarmed security doors or

windows to engage the blaze, potentially delaying fire control, which could result in greater risk to personnel and property.

Numerous past Placer County Grand Juries have criticized many of the safety deficiencies noted above. The North Tahoe Fire District Division Chief has consistently supported Grand Jury fire safety findings. As a consequence, the County has made a number of structural, cosmetic, and safety improvements over the years. The County also committed to construct a safety corridor between the jail and the courtroom. Construction has not been started as of this date. Consequently, the potential danger to human life continues.

Summary*

The Grand Jury believes that implementation of its safety and security improvement recommendations will:

- a. serve the county and its employee, citizen and taxpayer interests by significantly reducing fire safety risks;
- b. provide better security for intra-facility transfer of prisoners;
- c. extend the useful life of the facility; and
- d. reduce the county's, and therefore the taxpayers' exposure to catastrophic liability claims in the event of fire, accident or other significant injury at the Burton Creek facility.

WE FEEL PROMPT CORRECTIVE ACTION IS ESSENTIAL!!

Discussion

For the past several years, Placer County Grand Juries have recommended that the Burton Creek facility be replaced in its entirety. The County generally has agreed, but has estimated that the total facility replacement cost would exceed \$11 million and that a source of funds in such magnitude has not been identified. It is also apparent that there are other important criminal justice facility improvement needs. The County Facility Services Director has pointed out that many County buildings are in excess of 50 years old and are in need of rehabilitation or replacement.

We recognize that all capital projects are in competition for available funds. Therefore the Grand Jury is recommending only that the five safety and security concerns previously identified be addressed immediately, leaving facility

** In writing this report we have, when appropriate, incorporated many words and descriptive phrases contained in earlier Grand Jury reports. We thank those earlier Grand Juries for their enduring descriptive skills.*

replacement or major rehabilitation to a longer-term analysis and prioritization of countywide facility improvement needs.

Cost estimates from the Facility Services Department for some of the recommendations are:

<u>Safety Corridor</u>	\$65,000	Currently budgeted, but not yet implemented
<u>Exterior Fire escape</u>	\$25,900	Exit planned from second floor Dispatch Center area
<u>Fire Suppression System</u>	\$50,100	Intended to suppress fires that start in three specifically identified high-risk areas of the facility
<u>Second Floor Automatic Release fire-resistant Door</u>	\$ 2,500	Cost estimate not confirmed by Facilities Department
<u>Lock Box Key Access For Fire Department</u>	\$ 500	Cost estimate not confirmed by Facilities Department

The Grand Jury believes that prompt implementation of the safety improvements detailed here will remedy adequately the safety and security deficiencies that have persisted for many years. The Grand Jury further believes that implementation of its recommendations will extend the useful life of the Burton Creek facility for a substantial period of time, thus providing the county with significantly more flexibility in establishing priorities for capital improvement projects.

Finally, because fire and safety deficiencies have been cited for many years, all a matter of public record, the Grand Jury feels that Placer County is at significant insurance liability risk should anyone be injured or killed as a proximate result of a reasonably correctable, but uncorrected, safety condition. Since taxpayers are the ultimate underwriters of county liability loss, this issue is considered to be compelling.

Finding 1

The Burton Creek facility lacks a secure passageway between the jail and courtroom, thus exposing staff, the public and prisoners to unnecessary safety risks.

Responses

- County Board of Supervisors and County Executive Officer
The Board of Supervisors and the County Executive Officer agree with the finding.
- County Facility Services Director
Concur with finding that the Burton Creek facility lacks a secure passageway.

Recommendation 1

Build the safety corridor authorized in the County's 2000-2001 budget, and carried over to fiscal year 2001-2002. If alternative audiovisual or other corrective measures are preferred, implement them within the current fiscal year.

Responses

- County Board of Supervisors and County Executive Officer
The recommendation has not yet been implemented but it will be in the future.

The construction of a safety corridor to move prisoners from holding cells into the courtroom will be completed by October 2002. Funding for this project is contained in the FY 2001-02 County Budget and such funds will be carried forward into FY 2002-03 to complete the project. The County Risk Manager and the Director of Facility Services also concurs with the recommendation. A copy of their response is also attached to this response. It should also be noted that on March 27, 2002 the Senior Management Analyst of the County Executive Office submitted a memorandum to the Director of the Risk Management Division informing him of the decision of the County Executive Officer to complete construction of the safety corridor and this action was communicated to the Grand Jury. A copy of this memorandum is attached to this response.
- County Facility Services Director
Concur with recommendation to proceed with construction of new safety corridor.
- County Sheriff/Coroner
Concur. Forwarded to the Director of County Facility Services.

Finding 2

Employees who work on the second floor of the facility, and visitors to this area, are at significant risk in the event of fire emergency. Interior stairways are narrow, steep and may not be accessible, depending on where within the structure a fire may originate or spread.

Responses

- County Board of Supervisors and County Executive Officer
The Board of Supervisors and the County Executive Officer disagree partially with the finding. Although there is some risk related to fire exposure within the building due to its age and configuration, the smoke and fire detection system is adequate to allow staff and other occupants to safely exit the building when necessary. It should also be noted that there is no safety or legal requirement to install an exterior escape.
- County Facility Services Director
I am not qualified to determine degree of risk as claimed above.

Recommendation 2

Add a second story external fire escape accessible to the Dispatch Center and other second floor occupants and visitors.

Responses

- County Board of Supervisors and County Executive Officer
The recommendation has not yet been implemented but it will be in the future.

An external fire escape from the second story level of the building to ground level will be installed to add an extra margin of safety for staff and other occupants of the building. The installation will be completed not later than October 2003. The estimated cost for the purchase and installation of the external fire escape is \$26,000 and this amount will be included in the FY 2002-03 Final Budget as recommended by the County Executive Officer. The responses of the County Risk Manager and the Director of Facility Services are also attached to this response. It should be noted that on March 27, 2002 the Senior Management Analyst of the County Executive Office submitted a memorandum to the Director of the Risk Management Division informing him of the decision of the County Executive Officer to install the external fire escape and this decision was also communicated to the Grand Jury. A copy of this memorandum is attached to this response. As a final note, to ensure the safe operation of the fire escape, the County Risk Manager will be directed to conduct appropriate training for staff.

- County Facility Services Director
Facility Service will construct external fire escape if directed/authorized to do so by either the County Executive or the Board of Supervisors.
- County Sheriff/Coroner
Concur. Forwarded to the Director of County Facility Services.

Finding 3

Defined areas of the facility are particularly susceptible to fire hazard. Among these are:

- the Electrical Equipment/Radio Room (electrical fire);
- the kitchen area (gas and electrical appliances); and
- the Evidence Room (volatile chemical storage).

Each area can be protected independently by installing a suitable fire suppression system, further protecting adjacent areas.

Responses

- County Board of Supervisors and County Executive Officer
The Board of Supervisors and the County Executive Officer agree with the finding.
- County Facility Services Director
I am not qualified to determine level of susceptibility to fire hazard.

Recommendation 3

Install suitable fire suppression systems in each of the above designated “at risk” areas.

Responses

- County Board of Supervisors and County Executive Officer
The recommendation has not yet been implemented but it will be in the future.

The construction and installation of an appropriate and effective dry fire suppression system for each of the areas identified as at risk will be completed in FY 2002-03. The estimated cost for the overall system is approximately \$50,000 and this amount is included as a recommended expenditure of the FY 2002-03 County Budget. The responses of the County Risk Manager and the Director of Facility Services are also attached to this response. It should be noted that on March 27, 2002 the Senior Management Analyst of the County Executive Office submitted a memorandum to the Director of the Risk Management Division informing him of the decision of the

County Executive Officer to construct and install a fire suppression system in FY 2002-03 and this decision was communicated to the Grand Jury. A copy of this memorandum is attached to this response.

- County Facility Services Director
Facility Services will install suitable fire suppression system if directed/authorized by either the County Executive or the Board of Supervisors.
- County Sheriff/Coroner
Concur. Forwarded to the Director of County Facility Services.

Finding 4

There is no fire barrier door at the stairwell intersection between the first and second floors. The absence of a suitable barrier could result in a fire spreading more rapidly and more widely throughout the facility.

Responses

- County Board of Supervisors and County Executive Officer
The Board of Supervisors and the County Executive Officer disagree partially with the finding. Although there is no fire barrier door at the location indicated the installation of such a door may also create an unintended safety risk in the event of a fire in the building. As indicated in the attached response from the County Risk Manager, without a landing in conjunction with the fire barrier door bottlenecks may be created as individuals attempt to exit the building in an emergency.
- County Facility Services Director
This statement is correct that there is no fire barrier door as indicated. It should be noted that there is no code requirement for such door.

Recommendation 4

Install an “automatic release” fire door at the top of the stairwell in front of the Dispatch Center, in accordance with the District Fire Chief’s recommendation. (See Attachment 1.)

Responses

- County Board of Supervisors and County Executive Officer
The recommendation will not be implemented because it is not necessary given the existing fire prevention safety measures including a sophisticated fire and smoke detection system and a reliable evacuation plan. In addition, according to the County Risk Manager the installation of such a fire barrier door could create unintended safety risks in the way of bottlenecks as

individuals attempt to exit the building in an emergency. A copy of the response of the County Risk Manager and the Director of Facility Services is also attached to this response.

- County Facility Services Director
Facility Services will install such a door if directed/authorized by the County Executive or the Board of Supervisors.
- County Sheriff/Coroner
Concur. Forwarded to the Director of County Facility Services.

Finding 5

The North Tahoe Fire Department has no keys and cannot enter the Burton Creek facility when it is unoccupied. Should a fire occur during one of these periods, the Fire Department would have to breach security doors or windows to gain access, thus delaying fire fighting action.

Responses

- County Board of Supervisors and County Executive Officer
The Board of Supervisors and the County Executive Officer agree with the finding.
- County Facility Services Director
It is Facility Services understanding that there is always staff at the facility, either dispatch or deputies.

Recommendation 5

Provide 24-hour facility access to the Fire Department by installing key lock boxes in strategic locations, or develop some other suitably secure arrangement agreeable to the Sheriff's Department and the District Fire Chief.

Responses

- County Board of Supervisors and County Executive Officer
The recommendation has been implemented.

As indicated in the attached memorandum from the County Risk Manager a lock box containing a key to enter the building to respond to emergencies including fire has been installed. This installation will provide access to the building at any hour and day for emergency personnel.

- County Facility Services Director
Given the primary use of this building for Sheriff Operations, Facility Services recommends that a suitable secure arrangement be made between the Sheriff's Department and the Fire Chief.
- County Sheriff/Coroner
Concur. North Tahoe Substation commander is working with the fire department on procedures to implement the Grand Jury recommendation.

Commendation

The Grand Jury would like to take special note of the support and encouragement of diverse County agencies in its gathering of facts and background information to determine findings and recommendations. Based upon the presumption that adequate funding required for the recommended improvements (estimated at less than \$150,000) will be made available by the County Executive Office, the Grand Jury received encouragement and supportive comments from the following organizations and individuals:

- Burton Creek Station Commander
- County Sheriff/Coroner
- North Tahoe Fire District Division Chief
- County Safety Director
- County Director of Risk Management
- Placer County Supervisor, District 5

In addition to endorsing the Grand Jury's recommendations for an external fire escape and an interior fire suppression system in high-risk areas, the North Tahoe Fire District Division Chief suggested the addition of a fire resistant door at the stairwell entrance and provision of 24-hour key access to the facility. The Grand Jury supports those suggestions and has incorporated them in its list of recommended safety improvement priorities.

Respondents

County Board of Supervisors
County Executive Office
County Facility Services Director
County Sheriff/Coroner
North Tahoe Fire District Division Chief
County Risk Management Division

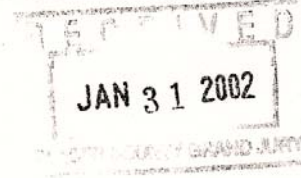
RESPONSE REQUIRED WITHIN 90 DAYS TO:

The Honorable James D. Garbolino
Presiding Judge Superior Court
County of Placer
Historic Court House
101 Maple Street
Auburn, California 95603

NORTH TAHOE FIRE PROTECTION DISTRICT

DUANE WHITELAW, Chief

P.O. Box 5879
300 North Lake Boulevard
Tahoe City, CA 96145
(530) 583-6930
Fax (530) 583-6909



Date : January 17, 2002

Fred Copeland
Placer County Grand Jury
11490 C Avenue
Auburn, CA 95603

Dear Fred Copeland:

Thank you for the opportunity to meet with you and other Jury members on Tuesday January 22nd. As discussed, there are a few remaining fire and life safety improvements to be accomplished at the Placer County facility at Burton Creek. The following re-caps our discussion on January 22nd.

Overview:

As stated earlier the building doesn't meet current standards for fire protection, specifically, no automatic sprinkler system. However in the last few years there have been significant improvements to the building to enhance early detection and safety. This includes but is not limited to a fire alarm and detection system. Prevention, early detection, acceptable evacuation routes and suppression systems should continue and be improved as funding allows. Though the building has no sprinkler system, prevention and early detection coupled with known and practiced evacuation routes should prevent injury or loss of life to occupants. It should be noted that the structure itself is at risk of catastrophic loss should a fire occur. The building has insufficient occupancy separations and is primarily wood frame construction. A fire start without immediate or automatic intervention will become deep seated and cause significant damage or total loss.

Current and practical improvements needed:

- #1 An emergency exit needs to be installed for the dispatch office.
- #2 Install a self closing door at the top of the stairs with panic hardware (in front of dispatch).
- #3 Install automatic extinguishing systems in the kitchen, radio room and evidence room.
- #4 After hours access for North Tahoe Fire Protection District.

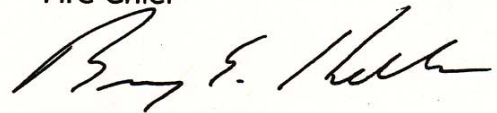
ATTACHMENT 1, PAGE 1

Conclusion:

I believe a fire in the building would spread rapidly through the old construction. If the building is not going to be replaced, then I recommend the building be retrofit with a total fire sprinkler system in addition to the above fore mentioned items.

Thank you for the opportunity to comment, for communication pertaining to the fire requirements for this facility, contact Bryce E. Keller, Division Chief at (530) 583-6930.

DUANE WHITELAW
Fire Chief



BRYCE E. KELLER
Division Chief,
Fire and Life Safety

Cc:
Kent Hawthorne
Virginia Ferral

ATTACHMENT 1, PAGE 2

Bryce Keller

From: Bryce Keller [keller@ntfire.net]
Sent: Monday, January 21, 2002 1:30 PM
To: Jim Martinson (jmartins@placer.ca.gov)
Cc: Kent Hawthorne; Hook, Steve; Virginia Ferral (vferral@placer.ca.gov); 'Kelly Hernandez (E-mail)'
Subject: Burton Creek Facility
Jim,

As discussed today on the phone, Steve Hook will bring by some information relative to knox boxes. Please take the time to discuss alternatives.

As I recall below are a few other items that need follow up:
Can you check with Facility Services to find out the status?

- 1 Emergency exit for the dispatchers.
- 2 Extinguishing system for the kitchen, radio room., *extended 120.11.*
- 3 Self closing door at top of stairs. In front of dispatch.
- 4 After hours access for FPD, Steve Hook will discuss options with you.

Bryce E. Keller

Division Chief
North Tahoe Fire Protection District
(530) 583-6911

ATTACHMENT 2

From: Rob Unholz
To: Tom Miller
Date: 1/7/02 10:59AM
Subject: Burton Creek Improvements

Tom-

Although the existing Burton Creek Facility complies with applicable fire/life/safety codes, the following estimated costs are provided as requested by the Grand Jury:

Fire Suppression

Radio Equipment Room: \$21,280

Installation of an FM200 system including connections to the existing Notifier AFP2000 Panel, project management and contingency.

Evidence Room (Hazardous Materials Storage): \$22,820

Installation of an FM200 system including connections to the existing Notifier AFP2000 Panel, project management and contingency.

Kitchen Range Hood: \$6,000

Installation of an Ansul system connected to the existing Notifier panel, including an electrical gas valve, new electrical circuit, project management and contingency.

Exiting

Dispatch Fire Escape \$25,900

Reconfiguration of the dispatch console including relocation of electrical circuits and communications cabling, removal of existing window, installation of replacement door and landing platform to access new retractable fire escape, project management and contingency.

CC: Kurt Barton; Mary Dietrich

ATTACHMENT 3

Memorandum

To: Mike Paddock, CEO- Administration
CC: Mike Boyle, Deputy CEO, Robert Bendorf, Assistant CEO
From: John Sweikar, Risk Management Administrator
Date: 05/21/02
Re: Grand Jury Report

Mike,

This is response to your request for a response to the Grand Jury Report regarding the Burton Creek Facility.

FINDING 1

Agree

This recommendation is a good safety fix for moving inmates from the jail to the courtroom. It will enhance the security in the area. There was an effort to do video arraignment in attempt to avoid this expense but that fell apart due to complications with the court system.

Facility Services advises this recommendation will be completed in this construction year.

FINDING 2

Agree

Although there are no legal requirements for an external fire escape, one is to be erected this construction year. There is some safety concern over load bearing capacity of the fire escape. This may in is self may cause some concern for liability should a number of employees attempt to use it at the same time. Employees will need to train regularly to be proficient in its proper use.

FINDING 3

Partially Disagree

Although there are no legal requirements to install an enhanced fire suppression system in the Kitchen, Electrical Equipment Room and the Evidence Room this will certainly create another level of protection at the facility. We are informed that Facility Services intends to implement the changes in the 2002-2003 construction year.

FINDING 4

ATTACHMENTS TO THE BOARD OF SUPERVISORS RESPONSE
PAGE 1 OF 4

May 21, 2002

Disagree

The installation of automatic fire doors at the top of stairwells may cause a safety concern in its own right. Doors at the top of stairwells with out landing often become bottlenecks for people attempting to flee a fire situation or those attempting to enter a structure. With the present Fire Alarm System that was recently installed there should be adequate notice for those in the structure to evacuate.

FINDING 5

Agree

The Sheriff Department has agreed to install a lock box that will allow access for the fire department to the facility.

ATTACHMENTS TO THE BOARD OF SUPERVISORS RESPONSE
PAGE 2 OF 4

*MEMORANDUM
OFFICE OF THE
COUNTY EXECUTIVE
COUNTY OF PLACER*

To: Mike Boyle, Deputy County Executive Officer

From: Michael E. Paddock, Senior Management Analyst



Date: March 27, 2002

Subject: Burton Creek Facilities - Improvements

On January 16, 2002 Pete Sarellana, Deputy County Executive Officer submitted a memorandum to this Office regarding the condition of the Burton Creek Facility in Tahoe and various recommendations to improve these conditions. A copy of the memorandum is attached for your review and information. As indicated in his memorandum, members of the Grand Jury are concerned about the Facility and have made specific recommendations to improve the level of safety in the building. Specifically, the Grand Jury would like to see the construction of a corridor between the court and the jail to allow separation of prisoners and the public during court proceedings. They also request consideration of an external fire escape from the second floor of the facility to the ground level and installation of a fire suppression system for the kitchen area and the equipment and radio room of the building.

We have reviewed the memorandum submitted by Pete and have also discussed this matter with the Sheriff, the Facility Services Director and members of the Grand Jury. We concur with the recommendations contained in the memorandum and have also approved the recommendations of the Facility Services Director to complete construction and installation of the recommended improvements over two construction seasons beginning FY 2001-02. Construction of the corridor and the external fire escape will be scheduled for the current construction season that begins in May and will continue into October. Both projects are currently funded within the Capital Projects Budget of the Facility Services Department. The installation of the fire suppression system will occur in the following construction season and after the final design is completed. Funding for this project will be included in the Sheriff's recommended budget for FY 2002-03. We are pleased with the recommendations of the Facility Services Director and also wish to commend his staff for providing reasonable and cost-effective solutions to improve the level of safety in the facility.

We also intend to follow up with the Grand Jury to make them aware of the recommended action and time frames for completing these projects. If you have any questions or wish to discuss this matter in more detail please call me at 4038 or by e-mail.

Attachment

Cc Jan M. Christofferson, County Executive Officer
Robert Bendorf, Assistant County Executive Officer
Edward Bonner, Sheriff
Tom Miller, Director, Facility Services

**ATTACHMENTS TO THE BOARD OF SUPERVISORS RESPONSE
PAGE 3 OF 4**

From: John Sweikar
To: Michael Paddock
Date: 5/3/02 11:00AM
Subject: Burton-Creek

Mike,

As an update to my report on this facility. I did an inspection yesterday and found that a lock box has been installed that allows the Fire Dept. access to the building should a fire emergency arise.

ATTACHMENTS TO THE BOARD OF SUPERVISORS RESPONSE
PAGE 4 OF 4